

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

J.D. JONES BARTON,

Petitioner,

v.

PATRICK R. GLEBE,

Respondent.

No. C10-5511 RJB/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the petition for writ of habeas corpus, the response, the Report and Recommendation of Magistrate Judge Karen L. Strombom (Dkt. 32), objections to the Report and Recommendation (Dkt. 33), and the remaining record, does hereby find and

ORDER:

- (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 32).
- (2) Petitioner's writ of habeas corpus (Dkt. 1) is **DISMISSED WITHOUT PREJUDICE** on the basis that the claims are unexhausted.
- (3) In accord with the analysis and recommendation of the magistrate judge (Dkt. 32, at 5-6), a Certificate of Appealability is **DENIED**.
- (4) The Clerk is directed to send copies of this Order to Petitioner, to counsel for Respondent and to the Hon. Karen L. Strombom.

DATED this 28th day of January, 2011.



ROBERT J. BRYAN
United States District Judge